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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,828	06/23/2000	Hiroshi Mizumura	0879-0266P	9845
2292	7590	08/25/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SOLOMON, GARY L	
			ART UNIT	PAPER NUMBER
			2615	9
DATE MAILED: 08/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,828

Applicant(s)

MIZUMURA, HIROSHI

Examiner

Gary L Solomon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-10-2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5-10-2004 have been fully considered but they are not persuasive.
2. Applicant submits that Tanaka does not disclose or teach a changing device with changes at least one of the characteristics of the plurality of types selectable by the selecting device to another characteristic by means of a computer connected with the TV lens apparatus.
3. Examiner respectfully disagrees.

For claim 1, Tanaka discloses a TV lens system (**Figure 1**) wherein an optical member (**Figure 1, Element 40**) driven with a motor (**Figure 1, Element 6**) in a TV lens apparatus is controlled in accordance with one characteristic (**Figure 6; Abstract; Column 4, Lines 10-44**) selected from characteristics of a plurality of types (**Abstract; Column 4, Lines 10-44**), the TV lens system comprising: a selecting device (**Figure 1, Elements 8 and 12**) which selects the one characteristic from the characteristics of the plurality of types; and a changing device (**Column 5, Lines 29-35**) which changes at least one of the characteristics of the plurality of types selectable by the selecting device to another characteristic by means of a computer connected with the TV lens apparatus.

(**Figure 1, Element 50; The image taking remote-control device 50 is a computer and it is wirelessly connected by means of command signal 17 to the TV lens apparatus at driving control part 6. Merriam Webster defines computer as a programmable electronic device that can store, retrieve, and process data. Item 50 is programmed by means of hardware code and electronic chips. It stores data on the on external recording medium C.**

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If it stores the data, it must be able to retrieve it. It also process data by running its executable programs as shown in Figure 1 and Column 4, Line 45 through Column 6, Line 49.)

Tanaka teaches a device that that selects the zooming or focusing characteristic and depending on the selection, performs a different operation on the optical member within the unit.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (US 6,587,141).

For claim 1, Tanaka discloses a TV lens system (**Figure 1**) wherein an optical member (**Figure 1, Element 40**) driven with a motor (**Figure 1, Element 6**) in a TV lens apparatus is controlled in accordance with one characteristic (**Figure 6; Abstract; Column 4, Lines 10-44**) selected from characteristics of a plurality of types (**Abstract; Column 4, Lines 10-44**), the TV lens system comprising: a selecting device (**Figure 1, Elements 8 and 12**) which selects the one characteristic from the characteristics of the plurality of types; and a changing device (**Column 5, Lines 29-35**) which changes at least one of the characteristics of the plurality of types selectable by the selecting device to another characteristic by means of a computer connected

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with the TV lens apparatus (**Figure 1, Element 50**); The image taking remote-control device 50 is a computer and it is wirelessly connected by means of command signal 17 to the TV lens apparatus at driving control part 6. Merriam Webster defines computer as a programmable electronic device that can store, retrieve, and process data. Item 50 is programmed by means of hardware code and electronic chips. It stores data on the on external recording medium C. If it stores the data, it must be able to retrieve it. It also process data by running its executable programs as shown in Figure 1 and Column 4, Line 45 through Column 6, Line 49.).

Tanaka teaches a device that that selects the zooming or focusing characteristic and depending on the selection, performs a different operation on the optical member within the unit.

For claim 2, Tanaka discloses all the previous limitations and also wherein the characteristics of the plurality of types are related to control of a moving speed of a zoom lens with respect to an operational amount of an operating member.

(Column 4, Lines 10-44)

For claim 3, Tanaka discloses all the previous limitations, further comprising a zoom controller connected to the TV lens apparatus, the zoom controller having the operating member, wherein: the moving speed of the zoom lens is controlled in accordance with the operational amount of the operating member of the zoom controller; prepared characteristics are stored beforehand in a memory of one of the TV lens apparatus and the zoom controller; and the changing device selects at least one of the characteristics of the plurality of types selectable by the selecting device from the prepared characteristics stored in the memory.

(Column 3, Line 40 through Column 5, Line 5)

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For claim 5, Tanaka discloses all the previous limitations and also wherein another characteristic is generated by the computer.

(Figure 1, Element 50; Column 6, Lines 43-47)

6. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (US 6,587,141).

For claim 6, Tanaka discloses TV lens system, wherein: a computer (**Figure 1, Element 50**) is connectable with a TV lens apparatus (**Figure 1, Element 40**); a characteristic with respect to control of an optical member driven with a motor (**Figure 1, Element 7**) in the TV lens apparatus is set by the computer (**Figure 1, Item 50**); and wherein the TV lens system instructs to the TV lens apparatus to control the optical member (**Figure 1, Element 40**) in accordance with the set characteristic (**Figure 1, Element 6**).

Figure 1 illustrates a computer (**remote control device (50)**) in which control of the TV lens system is disclosed in **Column 4, Line 45 through Column 6, Line 49**.

The computer displays the read information of the selection switch (**15**). It also performs control according to the photographing situation. The setting information control(s) (**5**) the focus and zoom control (**Figure 1, Element 12; Column 4, Lines 23-65**).

7. Claims 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Koyanagi (US 6,720,987).

For claim 6, Koyanagi discloses TV lens system, wherein: a computer (**Figure 3, Element 1**) is connectable with a TV lens apparatus (**Figure 3, Element 11**); a characteristic (**Figure 1, Drive Command**) with respect to control of an optical member driven with a motor (**Figure 3, Element 18**) in the TV lens apparatus is set by the computer (**Figure 3, Item 1**); and

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wherein the TV lens system instructs to the TV lens apparatus to control the optical member (Figure 3, Element 16) in accordance with the set characteristic (Figure 3, Drive Command).

(Column 4, Lines 44-62)

Figure 1 illustrates a computer (1) in which control of the TV lens system is disclosed in Column 5, Lines 28-48.

The computer displays the read information on the operation area (Figure 1, Element 6A). It also performs control according to the photographing situation. The setting information control(s) (5) the zoom control (Figure 3, Element 12; Column 4, Lines 43-65).

Koyanagi teaches computer with a monitor that is attached to a camera, which controls zoom information (Column 5, Lines 28-41; Figure 3).

For claim 7, Koyanagi further teaches the executable screen and program in Figure 1. The executable screen and display included in Koyanagi would provide a viewable display for panning, tilting and zooming operation (Column 4, Lines 44-62).

Allowable Subject Matter

8. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record neither discloses or fairly suggests the following limitations wherein all the limitations of claims 6 through 7 and also:

- o Wherein the application software execution screen on the computer instructs selecting and changing of the characteristics, wherein the

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characteristics includes characteristic curves assigned to characteristic switches in a zoom controller.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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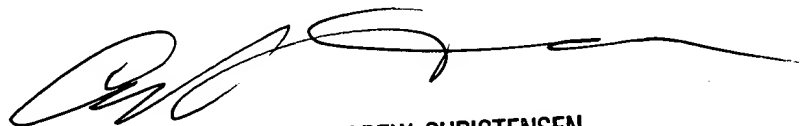
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L Solomon whose telephone number is (703)-305-4370.

The examiner can normally be reached on Monday - Friday 8:00 AM - 5:00 PM.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc-Yen Vu can be reached on (703)-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GLS



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